IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO: 3364 of 1995

Between:

The Managing Director Andhra Pradesh Foods,
Nacharam, I.D.A.; Hyderabad - 501 507.

... PETITIONER

AND

1 Presiding Officer Labour Court-III, Hyderabad.
2 Sri G. Yesupadam C/o. Sri C. Chandra Mohan
100-SRT, 1st Floor, Jawaharnagar, Hyderabad - 500 020.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction particularly one in nature of Writ of Certiorari calling for the records pertaining to the Award dated 30.8.1994 in I.D.No. 754/93 on the file of the Labour Court-III, Hyderabad and quash the same is as arbitrary, illegal and without jurisdiction to the extent of directing the petitioner herein to pay the compensation of Rs.150/- per month during the unemployment period of the Respondent No.2 herein.

Counsel for the Petitioner: MR G.CHANDRAIAH

Counsel for the Respondent No.2: MR.S.RAVINDRANATH

Counsel for the Respondent No.1: G.P. for Labour

The Court made the following:

ORDER:

This writ petition is filed by the management of A.P. Foods, Nacharam, assailing the award of the Labour Court Hyderabad in I.D.No.754/93 dated 30-08-1994. Second respondent raised a dispute with regard to the termination of service under Section 2-A (2) of the Industrial Disputes Act (for short 'the Act'). The said dispute was numbered as I.D.No.754/93. Evidence was let in by the management as well as the workman. Taking into consideration the evidence available on record, the labour Court found that there was violation of Section 25-F of the Act; accordingly directed reinstatement of the petitioner with back wages at the rate of Rs.150/- per month for the period of unemployment. Against the said order, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that awarding back wages at the rate of Rs.150/- per month is only illegal and arbitrary and the workman has not established that he was unemployed for the period in question. I am afraid I cannot accept this contention. The Tribunal having found that there is violation of Section 25-F of the Act, granted the relief of reinstatement with back wages at the rate of Rs.150/- per month, not full back wages, but only partial back wages at the rate of Rs.150/- was granted. Thus, I do not see any illegality or infirmity in the order passed by the lower Court.

The writ petition is accordingly dismissed. No costs.

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G. BIKSHAPATHY, J

November 18, 2004

MRR/TS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 Presiding Officer, Labour Court-III, Hyderabad.
2 Two C.C. s to the G.P. for Labour, High Court Buildings, Hyd. (OUT)

3. Two C.D. Copies.